

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	<b>CASE # 4:19-cr-00068-ALM-KPJ-9</b>
	§	
<b>OMAR MARTINEZ</b>	§	

**MOTION REVOKE OR AMEND DETENTION ORDER**

TO THE HONORABLE JUDGE OF SAID COURT NOW COMES OMAR MARTINEZ, Defendant in the above styled cause, and respectfully requests the Court to revoke or amend the April 15, 2019 order detaining Mr. Martinez. Mr. Martinez makes this request under 18 U.S.C. § 3145(b).

**I. BACKGROUND**

Mr. Martinez was arrested, without incident, for conspiracy to distribute a controlled substance in violation of 21 USC 846 at his home on Zeb St. in Dallas, Tx. Mr. Martinez is a 24-year-old lifelong resident of Dallas and has lived in the same house his entire life. Numerous friends and family members attended Mr. Martinez's detention hearing. Mr. Martinez has distant relatives in Mexico, but he has not traveled out of the country in years. Mr. Martinez's passport is in the possession of his Attorney Ezekiel Tyson Jr. and can be immediately deposited with the clerk's office. Mr. Martinez is willing to pay for and wear an electronic monitoring device as a condition of release. Mr. Martinez's mother and or older brother are willing to serve as a third-party custodians for Mr. Martinez. Mr. Martinez's entire immediate family and his fiancé reside

at his parent's home on Zeb St. Mr. Martinez's family residence is paid off and is worth over 300 thousand dollars. Mr. Martinez's parents are willing to pledge their house as a condition of his bond. Mr. Martinez's family also is willing to deposit a cash bond with the court to secure his release. Mr. Martinez has never failed to attend court, never forfeited a bond, he has not missed any probation meetings, nor has he had any prior motions to revoke his probation filed against him. Since Mr. Martinez's detention hearing on the 15<sup>th</sup> his probation file has been reviewed by the Dallas County District Attorney's office, the Dallas County Probation Department, and the District Judge that is supervising his probation. Mr. Martinez is facing a five year minimum to life on his probation cases. He has been granted a Fifty-Thousand-dollar surety bond on each of his two probation cases. Mr. Martinez's family is willing to post bonds on his probation cases.

## **II. LAW**

The Court must review the Magistrate Judge's detention order promptly and under a de novo standard of review. See 18 U.S.C. § 3145 (b)

## **III. CONCLUSION**

Sufficeient evidence exists to rebut the presumption of detention and to prove conditions can be ordered to allow Mr. Martinez to be released prior to trial. He has significant and strong ties to the community. Mr. Martinez and his family are willing to meet or comply with whatever conditions are necessary as a part of his release. Mr. Martinez is not a danger to community or a flight risk.

Respectfully submitted,

By: /s/ Ezekiel Tyson Jr.  
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**ATTORNEY FOR DEFENDANT**  
**OMAR MARTINEZ**

#### **CERTIFICATE OF SERVICE**

This is to certify that on April 22, 2019, a true and correct copy of the above and foregoing document was served on the Assistant United States Attorney Lesley Davis Brooks via e-mail at [lesley.d.brooks@usdoj.gov](mailto:lesley.d.brooks@usdoj.gov) and efile.

/s/ Ezekiel Tyson Jr.  
Ezekiel Tyson Jr.

#### **CERTIFICATE OF CONFERENCE**

This is to certify that on April 22, 2019 Assistant United States Attorney Lesley Davis Brooks advised she is opposed to this motion.

/s/ Ezekiel Tyson Jr.  
Ezekiel Tyson Jr.

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**Order**

The Court having considered the Motion to Reconsider Bond finds that the Motion should be and hereby is GRANTED and the Defendant's bond is reconsider.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

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UNITED STATES DISTRICT JUDGE AMOS L. MAZZANT, III